

1 D. JAY RITT, State Bar No. 138661  
2 **RITT, TAL, THVEDT & HODGES**  
3 A Limited Liability Partnership  
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5 Attorneys for Third-Party Respondent  
6 OCCIDENTAL COLLEGE  
7

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

NOV 02 2012

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF ORANGE - CENTRAL DIVISION**  
10

11 ORLY TAITZ,  
12 Plaintiff,

13 v.

14 BARACK OBAMA, DIANE  
15 FEINSTEIN, ELIZABETH EMKEN,  
16 DAN HUGHES, RICK WILLIAMS, in  
their capacity as candidates on the ballot,  
JOHN DOE, JANE DOE 1-100,

17 Defendants.  
18  
19

Case No. 30-2012-00582135

[Assigned to: Hon. Charles Marginis - Dept. C-19]

**NOTICE OF RULING**

Date: November 1, 2012  
Time: 1:30 p.m.  
Dept: C-19

**BY FAX**

20 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

21 **PLEASE TAKE NOTICE** that on **November 1, 2012**, at 1:30 p.m., in Department  
22 "C19" of the above-entitled court, Plaintiff's *Ex Parte* Motion for Production of Documents  
23 from Third Party Occidental College was held in the above-captioned action before the  
24 Honorable Charles Marginis.

25 Attorney D. JAY RITT of Ritt, Tai, Thvedt & Hodges specially appeared on behalf of  
26 Third Party Respondent OCCIDENTAL COLLEGE; and plaintiff ORLY TAITZ appeared  
27 in *pro per*. CARL BOTTERUD, General Counsel of Occidental College, was also present  
28 in the courtroom. There were no other appearances by any defendant or responding party.

1 The Court having read the papers and pleadings filed by Plaintiff Orly Taitz and  
2 Third Party Respondent Occidental College, and having considered the oral argument of  
3 counsel at the hearing on this matter, made the following findings:

4 (a) Ms. Taitz' "ex parte" motion to compel production of records from third-party  
5 Occidental College was prepared, filed and served before Ms. Taitz even prepared, filed and  
6 served an underlying subpoena duces tecum itself;

7 (b) The "ex parte" motion refers to a request for documents pursuant to California  
8 *Code of Civil Procedure* Section 2031.310 which applies by its terms only to parties and  
9 Occidental College is not a party in this action;

10 (c) The subpoena which Ms. Taitz did ultimately prepare and serve (after her *ex*  
11 *parte* "motion") does not meet numerous requirements of California *Code of Civil*  
12 *Procedure* Section 2020.510, in that, among other things;

13 (d) The proof of service provided by Plaintiff reflects that the subpoena was served  
14 upon Occidental College on October 31, 2012, giving Occidental purportedly less than  
15 twenty-four hours notice to comply in direct conflict with the notice provisions of Section  
16 2020.510;

17 (e) The proof of service provided by Plaintiff reflects that the subpoena was  
18 improperly served by e-mail;

19 (f) The subpoena was not accompanied by any Notice of Consumer Privacy Rights  
20 pursuant to California *Code of Civil Procedure* Section 1985.3, which by its terms applies to  
21 consumer records sought from a school such as Occidental College;

22 (g) The documents and records sought are plainly confidential and protected as  
23 private and are not relevant to the claims at issue in this matter; and

24 (h) Even had the subpoena been properly and timely prepared and served, and even if  
25 the subpoena sought records otherwise properly discoverable, the relief sought cannot be  
26 obtained via *ex parte* application per California Rule of Court 3.1200.

1 Accordingly, the Court ruled as follows:

2  
3 (1) THE COURT DENIED WITH PREJUDICE THE *EX PARTE* "MOTION"  
4 OF PLAINTIFF TO COMPEL PRODUCTION OF DOCUMENTS FROM  
5 OCCIDENTAL COLLEGE;

6  
7 (2) THE COURT QUASHED THE SUBPOENA SERVED BY PLAINTIFF  
8 UPON OCCIDENTAL COLLEGE IN ITS ENTIRETY PURSUANT TO ITS  
9 AUTHORITY UNDER CALIFORNIA *CODE OF CIVIL PROCEDURE* SECTION  
10 1987.1; AND

11  
12 (3) THE COURT AWARDED SANCTIONS IN THE AMOUNT OF \$4,000.00  
13 PURSUANT TO ITS AUTHORITY UNDER CALIFORNIA *CODE OF CIVIL*  
14 *PROCEDURE* SECTION 1987.2 PAYABLE BY PLAINTIFF ORLY TAITZ TO THE  
15 "CLIENT TRUST ACCOUNT OF RITT, TAL, THVEDT & HODGES" WITHIN  
16 THIRTY (30) DAYS FROM THIS NOTICE.

17  
18 Counsel for Third-Party Respondent Occidental College was ordered to and agreed to  
19 give notice.

20  
21 DATED: November 2, 2012

Respectfully submitted,

22 RITT, TAL, THVEDT & HODGES  
23 A Limited Liability Partnership

24  
25 D. JAY RITT  
26 Attorney for Third-Party Respondent  
27 OCCIDENTAL COLLEGE  
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